

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHILIP DELGROSSO,

Petitioner,

Civil No. 2:22-CV-12082

v.

HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

JONATHAN HEMINGWAY,

Respondent,

/

**OPINION AND ORDER GRANTING THE MOTION FOR CLARIFICATION
(ECF No. 6) AND DENYING WITHOUT PREJUDICE THE MOTION TO
AMEND THE PETITION (ECF No. 7).**

Philip Delgrosso, (“Petitioner”), confined at the Federal Correctional Facility in Milan, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner filed a motion for clarification and a motion to amend the habeas petition. For the reasons that follow, the motion for clarification is GRANTED. The motion to amend the petition is DENIED WITHOUT PREJUDICE.

Petitioner asks this Court to clarify the due date for Respondent’s Answer. The docket entry says the due date for the Answer is November 30, 2022 but the space for the due date on the actual order is blank. (ECF No. 4).

This Court clarifies that the due date for the Answer in this case is November 30, 2022.

Petitioner filed a motion to amend the petition. Petitioner asks this Court to waive any fees or costs if he is granted habeas relief. Such a request is premature; the Court denies the motion to amend without prejudice. Petitioner can move for a waiver of fees and costs if he prevails.

IT IS HEREBY ORDERED That:

- (1) The motion for clarification (ECF No. 6) is GRANTED. Respondent shall file an Answer to the Petition by **November 30, 2022**.
- (2) The motion to amend the petition (ECF No. 7) is **DENIED WITHOUT PREJUDICE**.

s/ Victoria A. Roberts

HON. VICTORIA A. ROBERTS

UNITED STATES DISTRICT JUDGE

Dated: 10/25/2022